

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
Room 220, Senate Building, Utah State Capitol Complex
February 11, 2009**

Members Present: Sen. Jon J. Greiner, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Sen. Scott D. McCoy
Rep. Douglas C. Aagard
Rep. Richard A. Greenwood
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Larry B. Wiley

Members Absent: Pres. Michael G. Waddoups
Rep. Steven R. Mascaro

Staff Present: Gary Ricks, Fiscal Analyst
Gary Syphus, Fiscal Analyst
Carrie Griffith, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Greiner called the meeting to order at 2:40 p.m.

Dianne Nielson, Governor's Energy Advisor, assisted by Sandy Naegle, Fiscal Manager, was invited to address the Subcommittee because she was not able to be in attendance when the Governor's Office made their presentation. Ms. Nielson provided a handout and described the duties and responsibilities of their Office in supporting the Governor's energy issues.

DNA General Funds Account

Gary Ricks, Fiscal Analyst, informed Subcommittee members that their green binders contain agency budget and other information that would be useful throughout the session. He also detailed the purpose of the DNA Specimen Account.

Gary Sessions, Director Finance Bureau Department of Corrections, answered questions raised by Subcommittee members relating to the DNA Specimen Account.

DPS Dedicated Credit Increases

Joe Brown, Administrative Services Director, and Lance Davenport, Commissioner, distributed handouts showing a report on dedicated credits and also a schedule of fees, programs and operations. Mr. Brown explained the schedule which showed the potential impact to the

Department because an agency can only spend 125% of the appropriated amount of fee collections if they don't have nonlapsing authority. He offered two solutions to this problem: (1) give nonlapsing authority; or (2) increase the dedicated credit amount for FY 2009 and FY 2010 to the estimated collection amount.

Subcommittee members expressed frustration regarding the 125% appropriation statute.

Treasurer Dedicated Credits Increase

Richard Ellis, State Treasurer, distributed and explained a handout relating to dedicated credits for the Department. He stated that after reviewing the FY 2010 budget, they believe the dedicated credit revenue will be \$50,000 more than originally submitted in their FY 2010 budget request. The Department is requesting an increase in their dedicated credit revenues of \$50,000.

Steve Allred, Fiscal Analyst, apprised Subcommittee members that this information is available under Tab 7 of their green binders. He also mentioned that under Tab 5 (*hereinafter referred to as "Tab 5 List"*) is the list that was distributed at the beginning of the session giving departments ideas on how to reach the 15% targeted budget reduction and a starting point for add-back priority. If they choose to not use that list, it can be a starting point. He then explained how to read the large spreadsheet showing one-time and ongoing state funds for each department.

After reviewing the list, each department head was invited to address the Subcommittee to suggest their top three critical priorities, in order of importance.

Board of Pardons and Parole

Clark Harms, Vice Chairman, distributed and discussed a handout detailing the impact of the proposed budget reductions to the Board. He stated that at a time when they need to assist in the problem with the bed population with Corrections, more hearings will be needed. The proposed budget cuts would reduce 26% of their workforce, causing them to not have enough people to have the projected hearings. He responded to questions raised by Subcommittee members.

Corrections

Tom Patterson, Executive Director, distributed and discussed handouts which respond to requests made earlier in the session giving information on potential places the Department could achieve the 7% reduction mark, including Jail Reimbursement. He admitted that although Jail Reimbursement is used for a good purpose and helps the counties, it doesn't help the Department of Corrections and he can't endorse that as to what's best for the Department. He informed the

Subcommittee there will be no beds available for the growing prison population and eliminating programs will take offenders from the prison to the streets without programs to assist them.

He stated the top three priorities for the Department are: Additional Gunnison Housing Unit Closure, 240 beds, \$7,500,000; Gunnison Housing Unit Closure (N-4), 192 beds, \$7,300,000; and Private Parole Violator Center, 300 beds, \$7,643,100. Acknowledging these are high dollar amounts, Mr. Patterson wanted to show the impact to the Department in trying to get to the 15% proposed reduction, indicating there is no other place to take cuts. His main concern is in preserving bed space and hopefully delaying the early release scenario.

Mr. Patterson was asked to bring a talking points list to the February 12, 2009 meeting. He responded to questions raised by Subcommittee members.

Courts

Dan Becker, State Court Administrator, stated the closure of the Bountiful Courthouse should be on the main line item and that will be corrected on a later budget bill. He further stated that they are at \$17 million on the main line item. He commented that for every \$1 million reduction, 18.2 FTEs would need to be eliminated. He requested that Subcommittee members put a little note next to that number, clarifying it would impact 283 people.

Attorney General

Werner Haidenthaller, Budget Director, accompanied by Wade Farraway, Assistant Attorney General, addressed the Subcommittee and stated they are aware of the numbers that have been presented. Because there is only one line item within their budget, it is of concern for them to look at it from that perspective.

Mr. Farraway confirmed that personnel will need to be cut because there are no programs or building leases they are able to eliminate. He expressed concern, stating to cut personnel may be short-sighted because the State will be injured by not having enough attorneys to handle to necessary workload.

State Auditor

Dean Eborn, Financial Audit Director, addressed the Subcommittee and noted that whatever budget cuts are taken will affect their personnel.

Governor

Sandy Naegle, Fiscal Manager, and Dave Walsh, Budget Analyst, reported that they will take the

necessary cuts just like everyone else to take and is not asking for anything special.

Guardian ad Litem

Rick Smith, Director, stated that Guardian ad Litem does not appear as a separate line item and is listed under the Courts.

Juvenile Justice Services (JJS)

Dan Maldonado, Director, distributed and explained a handout showing youth center offense histories. He also discussed double bunking or early release of some of the violators. Subcommittee members requested Mr. Maldonado break down some "talking points" for the February 12, 2009 meeting.

Treasurer

Jason Nielsen, Financial Manager, stated that although the cuts would be significant and deep, the Office is willing to take cuts where needed. He noted it would affect 10 FTEs, which are partially funded through the General Fund. He further noted that if they could get dedicated credits increased for FY 2010, it would help mitigate some of the cuts and the rest they could handle through furloughs.

Department of Public Safety

Lance Davenport, Commissioner, assisted by Joe Brown, listed their priorities as follows: (1) Line 26, Communications; (2) Line 13, UHP Personnel Reduction; and (3) Line 33, BCI Personnel Reduction.

Mr. Brown responded to questions regarding fee increases and other issues.

MOTION: Sen. McCoy moved to adjourn.

Sen. Greiner adjourned the meeting at 4:49 p.m.

